

ILLINOIS
COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

REPLY TESTIMONY
OF
DAVID RUHLAND
CITIZENS TELECOMMUNICATIONS COMPANY
OF ILLINOIS

83 ILLINOIS ADMINISTRATIVE CODE PART 730

STANDARDS OF SERVICE FOR
LOCAL EXCHANGE TELECOMMUNICATIONS
CARRIERS

RULEMAKING

DOCKET NO. 00-0596

NOVEMBER 5, 2001

1 **Q. Please state your name and business address.**

2 A. My name is David Ruhland. My business address is Frontier Communications,
3 14450 Burnhaven Drive, Burnsville, Minnesota 55306.

4
5 **Q. What is your occupation?**

6 A. My occupation is Senior Regulatory Analyst.

7
8 **Q. Please describe your educational and occupational background.**

9 A. I received a B.A. in Accounting and English from Saint John's University in
10 Collegeville, Minnesota in 1993. I received an MBA with a concentration in
11 Finance from the Carlson School of Management at the University of Minnesota
12 in 1999. In 1995, I was hired by Frontier Communications for a General Ledger
13 Accounting position. In 1997, I transferred to the Regulatory Affairs group as a
14 Senior Regulatory Analyst. The responsibilities of that position include
15 monitoring and responding to regulatory issues for Frontier Corporation's local
16 exchange carriers in the state of Illinois. As a result of the purchase of Frontier
17 Subsidiary Teleco, Inc. by Citizens Communication Company in 2001, this
18 position's responsibilities were expanded to include coverage of Citizens
19 Telecommunications Company of Illinois.

20

1 **Q. What is the purpose of your testimony?**

2 A. The purpose of my testimony is to respond to the testimony filed by Samuel S.
3 McClerren and Cindy Jackson of the Illinois Commerce Commission on October
4 1, 2001 and propose changes to the definition of "Trouble Report" and "Section
5 730.545 Trouble Report" included in the Part 730 Rule submitted with the
6 testimony of Mr. McClerren and Ms. Jackson. Citizens believes that only troubles
7 associated with "basic local exchange service" should be considered for trouble
8 reporting purposes.

9

10 **Q. What is Staff's proposed definition of "Trouble Report"?**

11 A. The definition of Trouble Report in the Part 730 Rule accompanying Staff's
12 testimony is as follows:

13 "Trouble report" means any customer complaint to the local exchange
14 carrier regarding the operation of their telephone service, including both
15 service affecting conditions or out of service conditions.

16

17 **Q. What is Staff's proposed definition of "Repeat Trouble Report"?**

18 A. The definition of Repeat Trouble Report in the Part 730 Rule accompanying Staff's
19 testimony is as follows:

20 "Repeat trouble report" means any network trouble report filed within
21 thirty (30) days after the closing of a previous network trouble report filed
22 by the same customer for the same working line.

23 This definition relies on the definition of "Trouble Report".

1

2 **Q. What is Staff's proposed definition of "Installation Trouble Report?"**

3 A. The definition of Installation Trouble Report in the Part 730 Rule
4 accompanying Staff's testimony is as follows:

5 "Installation trouble report" means any network trouble report filed within
6 seven (7) days after the completion of a basic local exchange service
7 installation.

8 This definition relies on the definition of "Trouble Report".

9

10 **Q. Are the definitions of "Installation Trouble Report" and "Trouble Report"**
11 **consistent?**

12 A. Not completely. The definition of Installation Trouble Report focuses on the
13 "completion of a basic local exchange service installation on the same line" in the
14 definition. This definition appropriately focuses on the installation of basic local
15 exchange service and not the installation of vertical features or other "telephone
16 services." However, because an "Installation Trouble Report" would include any
17 network trouble that occurs within seven days after the installation of basic local
18 exchange service the definition is too broad and goes beyond troubles associated
19 with basic local exchange service. In other words, if a customer experiences a
20 trouble with a vertical feature such as Caller ID or Call Waiting within seven days
21 after the installation of the basic local exchange service, the trouble would be
22 considered an Installation Trouble Report.

1 **Q. Where are the definitions of Trouble Report, Repeat Trouble Report and**
2 **Installation Trouble Report used in the proposed Part 730 Rules?**

3 A. These three definitions are included in Section 730.545 entitled "Trouble Reports"
4 of the Staff's proposed rule. That section provides:

- 5
- 6 a) Each local exchange carrier shall maintain basic local exchange
7 service so that the average rate of all customer network trouble
8 reports is no greater than 6 reports per 100 access lines per month.
9
- 10 b) For purposes of maintaining records or reporting information
11 relating to the requirement set forth in subsection (a) above, the
12 information required to be so maintained or reported shall be
13 calculated by dividing the number of customer initiated network
14 trouble reports in any given month by the total number of access
15 lines in service that are cleared to network dispositions, not customer
16 premises equipment ("CPE"), inside wire, or emergency situations.
17 The rate shall be reported on a per 100 access line basis.
18
- 19 c) The local exchange carrier shall maintain service so that the
20 percentage of repeat trouble reports for a month does not exceed
21 twenty (20%) percent of the total customer trouble reports.
22
- 23 d) For purposes of maintaining records or reporting information
24 relating to the objective in subsection (c) above, the information
25 required to be so maintained or reported shall be calculated by
26 dividing the total number of repeat trouble reports by the total
27 number of customer trouble reports, in said month, and shall exclude
28 troubles related to CPE, inside wire, or emergency situations.
29
- 30 e) Each local exchange carrier shall maintain a record of repeat trouble
31 reports as reported by its customers. This record shall include
32 appropriate identification of the customer or service affected, the
33 time, date and nature of the repeat trouble report, the action taken ,
34 and the date and time of trouble clearance or other disposition.
35

- 1 f) The local exchange carrier shall maintain service so that the
2 percentage of installation trouble reports for a month does not
3 exceed twenty (20%) percent of the total installations.
4
- 5 g) Each local exchange carrier shall maintain a record of installation
6 trouble reports as reported by its customers. This record shall include
7 appropriate identification of the customer or service affected, the
8 time, date and nature of the report, the action taken , and the date and
9 time of installation trouble clearance or other disposition.
10
- 11 h) Each local exchange carrier shall keep scheduled repair
12 appointments when a customer premises visit requires a customer to
13 be present. If the local exchange carrier is unable to keep a
14 scheduled repair appointment, it shall provide 24-hour notice of its
15 inability to keep the repair appointment. The 24-hour notice period
16 shall be construed to mean notice by noon the day before the
17 scheduled appointment.
18
- 19 i) Each local exchange carrier shall maintain a record of repair
20 appointments as reported by its customers. This record shall include
21 appropriate identification of the customer or service affected, the
22 time, date and nature of the report, the action taken , and the date and
23 time of repair appointments.

24

25 **Q How is the proposed Rule 730.545 structured?**

26 A. Subsections a) and b) of the proposed rule address Trouble Reports; Subsections
27 c) and d) address Repeat Trouble Reports; Subsection e) addresses tracking of
28 Repeat Troubles; Subsections f) and g) address Installation Trouble Reports; and
29 Subsection h) and i) address repair appointments.

30

31 **Q. Which sections of the Rule 730.545 is Citizens concerned with at this time?**

1 A. Sections a) and b) regarding Trouble Reports; Sections c) and d) regarding
2 Repeat Troubles and Section f) and g) regarding Installation Trouble Reports.
3 Each of these sections is based upon the definition of Trouble Report, which is
4 overly broad.

5

6 **Q. Explain why Citizens believes the definition of “Trouble Report” is too**
7 **broad?**

8 A. Staff’s proposed definition of “Trouble Report” includes troubles associated with
9 telephone services beyond “basic local exchange services” The definition
10 provides:

11 “Trouble report” means any customer complaint to the local exchange
12 carrier regarding the operation of their telephone service, including both
13 service affecting conditions or out of service conditions.

14 This definition uses the term “telephone service” which is not defined in the rule
15 but which would presumably include all services associated with the telephone.

16 As a result, vertical services such as Caller ID or Call Waiting and services that
17 employ advanced telecommunications capability are potentially within the scope
18 and definition of Trouble Report. This definition could also potentially
19 encompass non-regulated services.

20

21 **Q. Why is the definition of “Trouble Report” inappropriate for the Part 730**
22 **Rules?**

1 A. The retail service quality rules currently being considered in the Commission's
2 Part 732 rules (Docket No. 01-0485) and other sections of the Part 730 rules (Part
3 730.535 and 730.540) establish retail service quality standards for "basic local
4 exchange service." Basic local exchange services are defined in 220 ILCS 5/13-
5 712(b), in Proposed Part 732 and in Staff's proposed Part 730 as follows:

6 "Basic local exchange service" means residential and business lines used
7 for local exchange telecommunications service as defined in Section 13
8 204 of the Public Utilities Act, excluding:

- 9 a) services that employ advanced telecommunications
10 capability as defined in Section 706(c)(1) of the federal
11 Telecommunications Act of 1996;
- 12 b) vertical services;
- 13 c) company official lines; and
- 14 d) records work only.

15

16 It is important to use a consistent definition and scope of services within the
17 Illinois Commerce Commission's retail service quality rules. The definition of
18 Trouble Report proposed by Staff would not allow for this consistency and would
19 result in local exchange carriers being required to track different types of retail
20 services in Part 730.545 (e.g. vertical services and advanced services) versus the
21 Part 732 Rules (limited to "basic local exchange services"). Similarly, the other
22 two significant retail service-related standards included in proposed rule Part 730
23 relate to interruption of service (730.535) and installation requests (730.540).
24 These two standards for installation and repair are limited to basic local exchange
25 service.

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Q. Has the Illinois General Assembly provided any guidance with respect to the intended scope of services to be covered in the Illinois retail service quality rules?

A. Yes. The General Assembly’s intent to focus the Commission’s retail service quality standards on “basic local exchange service” is evidenced by Section 13-712(a) which provides:

It is the intent of the General Assembly that every telecommunications carrier meet minimum service quality standards in providing **basic local exchange service** on a non-discriminatory basis to all classes of customer.

220 ILCS 5/13-712(a). The General Assembly made it clear that service quality rules were to be established for basic local exchange service. Section 13-712(c) provides: “The Commission shall promulgate service quality rules **for basic local exchange service . . .**” 220 ILCS 5/13-712(c). “Basic local exchange services” is defined in 220 ILCS 5/13-712(b) and explicitly excludes “vertical services” and “services that employ advanced telecommunications capability.” The General Assembly clearly intended the Commissions’ service quality rules to apply only to “basic local exchange service” and that “basic local exchange service” exclude vertical services and services that employ advanced telecommunications capability.

1 **Q. Why is it problematic to use different definitions and include vertical services**
2 **and advanced service in proposed Rule 730.545?**

3 A. The Part 732 rules implemented this year following enactment of H.B. 2900
4 created a substantial and complex set of retail service quality requirements for
5 Illinois local exchange carriers. As a result of the emergency rulemaking, Illinois
6 local exchange carriers were required to implement system changes for tracking
7 service performance associated with the installation and repair of “basic local
8 exchange service.” Carriers were also required to provide customer credits if they
9 failed to meet the standards included in Part 730 for the installation and repair of
10 basic local exchange service. The Part 730 Rules are largely consistent with and
11 use the same definitions included in the Part 732 Rules. Therefore, Citizens and
12 presumably other LECs will not need to substantially change their systems and
13 tracking mechanisms to comply with most of Part 730. In order to comply with a
14 different definition of “Trouble Report” and “Repeat Trouble Report” in proposed
15 Rule 730.545, however, Citizens would be required to adjust its processes and
16 systems to track additional telephone services beyond basic local exchange service
17 as a Trouble Report. In addition, including vertical services and advanced
18 services in the scope of the Trouble Report definition could provide a disincentive
19 for certain local exchange carriers to further deploy vertical services and advanced
20 services in Illinois. The more vertical services a carrier offers, the greater the

1 potential that a customer will have a problem with the service that will be treated
2 as a “Trouble Report” under the Rule definition proposed by Staff.

3

4 **Q. How does Citizens propose to revise the proposed Part 730 Rules to address**
5 **the definition of Trouble Reports?**

6 A. Citizens proposes that the following language be substituted for the definition of
7 in Rule 730.105:

8 “Trouble report” means any customer complaint to the local exchange
9 carrier regarding the operation of their ~~telephone service~~ **basic local**
10 **exchange service**, including both service affecting conditions or out of
11 service conditions.

12

13 **Q. Will this proposed change in the definition of Trouble Report to limit**
14 **troubles to basic local exchange service address the definition of “Repeat**
15 **Trouble” and “Installation Trouble”?**

16 A. Yes, the definitions of “Repeat Trouble” and “Installation Trouble” reference the
17 definition of Repeat Trouble. Therefore the definitions of “Repeat Trouble” and
18 “Installation Trouble” will change with the change in the definition of Trouble
19 Report.

20

21 **Q. Does Citizens have other concerns with the proposed Part 730 Rule**
22 **addressing “Repeat Troubles”?**

1 A. Yes. A local exchange carrier would be violation of Rule 730.545(c) if the
2 number of "Repeat Troubles" exceeds 20% in a particular month. Section
3 730.545(c) and (d) provide:

4 c) The local exchange carrier shall maintain service so that the
5 percentage of repeat trouble reports for a month does not exceed
6 twenty (20%) percent of the total customer trouble reports.
7

8 d) For purposes of maintaining records or reporting information
9 relating to the objective in subsection (c) above, the information
10 required to be so maintained or reported shall be calculated by
11 dividing the total number of repeat trouble reports by the total
12 number of customer trouble reports, in said month, and shall exclude
13 troubles related to CPE, inside wire, or emergency situations.
14

15 Because Repeat Troubles are calculated as a percentage of total number of
16 customer Trouble Reports, local exchange carriers with fewer initial Trouble
17 Reports in a particular month may experience a higher number of Repeat
18 Troubles. For example, assume a local exchange carrier has twenty repeat
19 troubles every month during the year. Assume further that in January through
20 October the local exchange carrier had one-hundred twenty-five (125) Trouble
21 Reports, but in November and December the local exchange carrier reduced the
22 number of customer troubles to 90 Trouble Reports in each month. This local
23 exchange carrier would meet the 20% Repeat Trouble rate standard for January
24 through October, but would exceed the standard in November and December.
25 This result is somewhat perverse in that the Local Exchange Carrier actually had a
26 lower number of customer Trouble Reports in November and December. The

1 unintended consequence of this Rule would be for carriers with lower Trouble
2 Report rates in any particular month to be at greater risk of having a higher Repeat
3 Trouble rate that particular month.

4
5 **Q. How does Citizens propose to resolve this problem.**

6 A. Citizens would propose measuring Repeat Troubles on an annual basis instead of
7 a monthly basis as included in proposed rule Section 730.545(c). This would
8 measure the Repeat Troubles on an aggregate basis and would avoid the situation
9 in which a lower number of Trouble Reports in a particular month results in a
10 higher percentage of Repeat Troubles. Citizens would propose the following
11 substitute language:

12 c) The local exchange carrier shall maintain service so that the percentage of
13 repeat trouble reports for a month **on an annual basis** does not exceed
14 twenty (20%) percent of the total customer trouble reports.

15
16 **Q. Does this complete your testimony?**

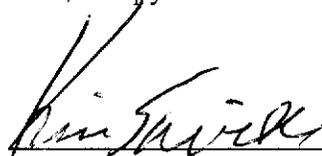
17 A. Yes, it does.

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
)	Docket No. 00-0596
)	
Revision of 83 Ill. Adm. Code 730)	

NOTICE OF FILING

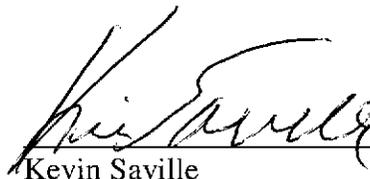
PLEASE TAKE NOTICE that we have on this 5th day of November, 2001, filed with the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, Reply Testimony of David Ruhland, a copy of which is hereby served upon you.



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CERTIFICATE OF SERVICE

I, Kevin Saville, hereby certify that I served the Reply Testimony of David Ruhland of Citizens Telecommunications Company of Illinois upon the service list in Docket No. 00-0596 by email on November 5, 2001.



Kevin Saville

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